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# Zoning By-Law

for the

# Town of Arlington

MASSACHUSETTS

as amended to

**MARCH, 1967**

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## TABLE OF CONTENTS


| | Page |
|---|---|
| PURPOSE | 1 |
| DISTRICTS | |
| Section 1. Establishment of Districts | 1 |
| Section 1-A. District Boundaries | 1 |
| ADMINISTRATION AND ENFORCEMENT | |
| Section 2. Enforcement | 2 |
| Section 3. Occupancy Permit | 3 |
| Section 4. Zoning Board of Appeals | 3 |
| Section 4-A. Exceptions and Variances | 5 |
| Section 5. Amendments | 6 |
| GENERAL PROVISIONS | |
| Section 6. Definitions | 7 |
| Section 7. Non-Conforming Buildings and Uses | 11 |
| Section 8. Use of Land | 12 |
| Section 9. Restrictions Affecting All Districts | 12 |
| Section 10. Access and Parking for Business and Industrial Buildings | 13 |
| Section 11. Corner Clearance in Residential Districts | 13 |
| Section 12. Reduction of Lot Area | 13 |
| Section 12-A. Location of Private Garages | 13 |
| Section 12-B. Restrictions Affecting All Residence Districts | 13 |
| RESIDENCE A DISTRICTS | |
| Section 13. Use Regulations | 14 |
| Section 13-A. Area Regulations | 14 |
| Section 13-B. Height and Area Regulations | 15 |
| Section 13-C. Parking Requirements | 15 |
| RESIDENCE B DISTRICTS | |
| Section 14. Use Regulations | 15 |
| Section 14-A. Area Regulations | 15 |
| Section 14-B. Height and Area Regulations | 16 |
| Section 14-C. Parking Requirements | 16 |
| RESIDENCE C AND C-1 DISTRICT | |
| Section 15. Use Regulations | 16 |
| Section 15-A. Building Coverage and Court Regulations | 17 |
| Section 15-B. Parking Spaces | 17 |
| Section 15-C. Height and Area Regulations | 17 |
| Section 15-D. Landscaping and Recreational Area | 18 |
| RESIDENCE D. DISTRICTS | |
| Section 15-1. Use Regulations | 18 |
| Section 15-2. Building Coverage and Court Regulations | 19 |
| Section 15-3. Parking Spaces | 19 |
| Section 15-4. Height and Area Regulations | 19 |
| Section 15-5. Landscaping and Recreation Area | 19 |

TABLE OF CONTENTS (Continued)


Page

RESIDENCE E DISTRICTS
Section 15-1.1 Use Regulations ..... 20
Section 15-1.2 Parking Spaces ..... 20
Section 15-1.3 Height and Area Regulations ..... 21
Section 15-1.4 Landscaping and Recreation Area ..... 21

RESIDENCE F DISTRICTS
Section 15-2.1 Use Regulations ..... 22
Section 15-2.2 Parking Spaces ..... 22
Section 15-2.3 Landscaping and Recreation Area ..... 23
Section 15-2.4 Height and Area Regulations ..... 23

BUSINESS A DISTRICTS
Section 16. Use Regulations ..... 24
Section 16-A. Building Coverage and Court Regulations ..... 25
Section 16-B. Height and Area Regulations ..... 25
Section 16-C. Enclosure of Uses ..... 26

BUSINESS B DISTRICTS
Section 17. Use Regulations ..... 26
Section 17-A. Building Coverage and Court Regulations ..... 27
Section 17-B. Height and Area Regulations ..... 27
Section 17-C. Enclosure of Uses in Certain Locations ..... 27

BUSINESS C DISTRICTS
Section 17-1.1. Use Regulations ..... 27
Section 17-1.2. Building Coverage and Court Regulations 28
Section 17-1.3. Height and Area Regulations ..... 28
Section 17-1.4. Enclosure of Uses ..... 28

INDUSTRIAL DISTRICTS
Section 18. Use Regulations ..... 29
Section 18-A. Building Coverage and Court Regulations ..... 29
Section 18-B. Height and Area Regulations ..... 29
Section 18-C. Parking Requirements ..... 30
Section 18-D. Landscaping and Recreation Areas ..... 30

OFF-STREET LOADING SPACE IN
NON-RESIDENTIAL DISTRICTS
Section 18-1. Off-Street Loading Requirements ..... 30
Section 18-2. Size and Number of Berths ..... 30
Section 18-3. Premises Defined ..... 31
Section 18-4. Exceptions ..... 31

EXCEPTIONS
Section 19. Height Exceptions ..... 31
Section 20. Lot Area and Width Exceptions ..... 32
Section 21. Yard Exceptions ..... 32
Section 21-A. Fallout or Blast Shelters ..... 32

TABLE OF CONTENTS (Continued)

Page

VALIDITY AND EFFECTIVENESS
Section 22. Validity ..... 32
Section 23. Existing By-Laws Not Repealed ..... 33
Section 24. When Effective ..... 33
Section 25. Prosecution and Penalty ..... 33

SIGNS AND ADVERTISING DEVICES
Section 25-A. Number ..... 33
Section 25-B. Location ..... 33
Section 25-C. Illumination and Animation ..... 33
Section 25-D. Size ..... 34
Section 25-E. Marquees and Awnings ..... 34
Section 25-F. Standing Signs ..... 34
Section 25-G. Gasoline Filling Stations and Garages ..... 35
Section 25-H. Construction ..... 35
Section 25-I. Permits ..... 35
Section 25-J. Pertinence to Other Laws ..... 36
Section 25-K. Nonconforming Signs ..... 36
Section 25-L. Special Signs ..... 36
Section 25-M. Non-Accessory Signs ..... 36
Section 25-O. Exceptions ..... 36

# ZONING BY-LAW
# FOR THE
# TOWN OF ARLINGTON
# MASSACHUSETTS

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## PURPOSE

The purpose of this by-law is to promote health, safety, convenience, morals and welfare of the inhabitants of the Town of Arlington; to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the town; and to preserve and increase the amenities of the municipality.

## DISTRICTS

**Section 1. Establishment of Districts**

For the purposes of this By-Law, the Town of Arlington is hereby divided into districts of eleven classes to be known as:

1. Residence A Districts
2. Residence B Districts
3. Residence C Districts
4. Residence C-1 Districts
5. Residence D Districts
6. Residence E Districts
7. Residence F Districts
8. Business A Districts
9. Business B Districts
10. Business C Districts
11. Industrial Districts

Said districts are as shown, defined and bounded on the Map accompanying this by-law, entitled "Zoning Map of the Town of Arlington, Massachusetts, prepared under the Direction of the Planning Board", dated March, 1959, signed by the said Board, or as thereafter amended, and on file with the Town Clerk. Said Map and all explanatory matter thereon are hereby made a part of this by-law.

**Section 1-A. District Boundaries**

The location of the boundary lines of the districts shown upon the Zoning Map shall be determined as follows:

1. Where the boundary lines are shown upon said map within the street lines of public or private ways, the center lines of such ways shall be the boundary lines.

2. Where the boundary lines are shown approximately on the location of property or lot lines; and the exact location of property, lot or boundary lines is not indicated by means of figures, then the property or lot lines shall be the boundary lines.

3. Boundary lines located outside of such street lines and shown approximately parallel thereto shall be regarded as parallel to such street lines; and figures placed upon said map between such boundary lines and street lines are the distances in feet of such boundary lines from such street lines, such distances being measured at right angles to such street lines unless otherwise indicated.

4. In all cases which are not covered by the other provisions of this Section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said map, or, if distances are not given, then by the scale of said map.

5. Whenever any uncertainty exists as to the exact location of a boundary line, the location of such line shall be determined by the Inspector of Buildings, provided, however, that any person aggrieved by his decision may appeal to the Zoning Board of Appeals, as provided in Section 4.

## ADMINISTRATION AND ENFORCEMENT

### Section 2. Enforcement

1. This by-law shall be enforced by the Inspector of Buildings appointed under the building code of the Town of Arlington, and no permit shall be granted for the construction, alteration, re-location or use of any building or structure, if the building or structure as constructed, altered, re-located or used would be in violation of any provision of this by-law. Whenever such permit or license is refused because of some provisions of this by-law, the reason therefor shall be clearly stated in writing.

2. If the Inspector of Buildings shall be informed, or have reason to believe, that any provision of this by-law has been, is being or may be violated, he shall make or cause to be made an investigation of the facts and inspect the property where the violation may exist. If he shall find any such violation he shall give notice thereof in writing to the owner or to his duly authorized agent and to the occupant of the premises, and order that any use of any building contrary to the provisions of this by-law shall immediately cease.

3. If, after such notice, the premises are continued to be used in a manner contrary to the provisions of this by-law, or if any owner or occupant shall fail to obey any lawful order of the Inspector of Buildings in respect to any violation or use contrary to the provisions of this by-law, the Inspector of Buildings with the approval of the Board of Selectmen, may and if required by them shall, institute appropriate legal proceedings to enforce the provisions of this by-law or to restrain by injunction any violation thereof, or both, and shall do all further acts, revoke the permit for occupancy, institute and take any and all such action as may be necessary to enforce the provisions of this by-law.

**Section 3. Occupancy Permit**

1. No building hereafter erected, altered substantially in its use or extent or relocated shall be used, and no change shall be made of the use of any building or of any parcel of land, unless an occupancy permit signed by the Inspector of Buildings has been granted to the owner or occupant of such land or building. Such permit shall not be granted unless the proposed use of the land and building and all accessory uses comply in all respects with this by-law and no use shall be made of such land or building that is not authorized by such occupancy permit.

**Section 4. Zoning Board of Appeals**

1. A Zoning Board of Appeals is hereby established, to consist of three members to be appointed by the Board of Selectmen. All members of said Zoning Board shall be residents of the Town of Arlington, and one member shall be an Attorney-at-Law, and at least one of the remaining members shall be a registered architect or a registered civil engineer. The appointments first made shall be for the term of one, two, and three years respectively, so that the terms of one member shall expire each year. All subsequent appointments shall be for the term of three years. When the appointments are first made the Board of Selectmen shall also appoint two associate members for the term of two years each, such associate membership to be appointed every second year. No member shall act in any case in which he shall be interested, and in case any member or members shall be so disqualified, or because of absence from the town, or any other cause, he or they shall be unable to act, the remaining member or members shall, in a written statement, filed with the secretary, so certify, and name an associate member or members to act upon the particular matter. Whenever said associate member or members shall serve, he or they shall have all

the powers conferred upon a regular member. If two or more members are absent or disqualified, the Board of Selectmen may appoint substitutes to act during such absence or disqualification. The said Zoning Board of Appeals shall organize yearly, choosing a chairman and a secretary.

2. The Board shall adopt rules, not inconsistent with the provisions of the by-laws of the Town, for conducting its business and otherwise carrying out the purposes of the Zoning by-laws. Meetings of the Board shall be held at the call of the chairman, and also when called in such manner as the board shall determine in its rules. Such chairman, or in his absence the acting chairman, may administer oaths, summon witnesses and call for the production of papers. All hearings of the Board shall be open to the public. The Board shall cause to be made a detailed record of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and setting forth clearly the reason or reasons for its decisions, and of its other official actions, copies of all of which shall be immediately filed in the office of the town clerk and shall be a public record, and notice of decisions shall be mailed forthwith to parties in interest as hereinafter designated.

3. Any person aggrieved by the refusal of the Inspector of Buildings to issue a permit or license on the grounds of noncompliance with the Zoning by-laws may appeal to the Zoning Board of Appeals as provided in Chapter 40A of the General Laws and any amendments thereto.

4. No appeal or petition and no application for a special exception to the terms of this by-law which has been unfavorably acted upon shall be considered by the Zoning Board of Appeals within two years after the date of such unfavorable action except with the consent of all the members of the Planning Board.

5. Any person or persons desiring to obtain the permission of the Zoning Board of Appeals for any purpose for which such permission is required under the provisions of this by-law shall make application in writing therefor to the Zoning Board of Appeals which shall, within a reasonable time ,hold a public hearing thereon. Notice of such hearing and of the subject matter, sufficient for identification, shall be given by publication in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing.

6. The Zoning Board of Appeals shall also, at least ten days prior to the hearing, send notice by mail, postage prepaid, to the petitioner, to all the owners of real estate opposite to or abutting on the property in connection with which any permission is sought, to the owners of all property deemed by the Board to be affected thereby, as they appear on the most recent local tax list, and to the Planning Board, and shall at least ten days before the hearing, post a notice of the hearing upon the property.

7. In the case of an appeal involving a change in use of land or building the Zoning Board of Appeals shall hold a joint meeting with the Planning Board to discuss the matter, preferably before the date of the public hearing or in any event before final action is taken by the Zoning Board of Appeals.

**Section 4A. Exceptions and Variances**

1. The Zoning Board of Appeals may on petition, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the by-law in harmony with its general purpose and intent, in the following cases:

(a) It may permit in a Residence A District the alteration of a single family dwelling as a residence for not more than two families, provided that the external appearance of a single family dwelling be retained so far as reasonably practical.

(b) It may permit in a Residence A District or B District a hospital, sanitarium or other medical institution.

(c) It may permit the rebuilding, repair or extension of a nonconforming use as provided in Section 7, Paragraph 3.

(d) It may permit in any District a particular use hereinafter specifically set forth as being permissible in the class of District in question if approval of said Board be obtained.

2. The Zoning Board of Appeals may also authorize variances in particular cases as provided in Section 13 to and including 21 of Chapter 40-A of the General Laws or acts in amendment thereof and in addition thereto. The grant of such variances may be of indefinite duration, or for periods not exceeding one year. Such temporary grants of variances may be renewed from time to time, except that in the case of a new building or of an addition to an existing building, the

aggregate of the periods covered by such temporary grants and the extensions thereof shall not exceed two years.

**Section 5. Amendments**

1. A copy of every petition for the amendment, modification or repeal of this by-law, including the Zoning Map and the boundary lines of the districts thereon, and of every article submitted or to be submitted to the Selectmen for insertion in the warrant for any Town Meeting relating to any such amendment, modification or repeal, shall be filed with the Planning Board on or before the date when such article is submitted to the Selectmen for insertion in the warrant.

2. The Planning Board, upon the request in writing of not less than ten registered voters of the Town, shall or upon its own initiative may, hold a public hearing for the consideration of any proposed amendment, modification or repeal of this by-law, provided that where a petition is filed such petition shall show that copies of the petition have been sent by registered mail to all abutters of the land referred to in the petition. The Planning Board shall report to the Town Meeting its recommendations with respect to the action to be taken thereon. Notice of such hearing and of the subject matter, sufficient for identification, shall be given by publication in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing.

3. No action shall be taken at any Town Meeting upon any proposed amendment, modification or repeal of this by-law unless a public hearing has been held thereon in the manner prescribed in the preceding paragraph, and the recommendations of the Planning Board have been reported to the Town Meeting, or twenty days have elapsed after such hearing without a submission of a report of its recommendations by the Planning Board have been reported to the Town Meeting, or twenty days have elapsed after such hearing without a submission of a report of its recommendations by the Planning Board to the Town Meeting; and no amendment, modification or repeal of this by-law shall be made except by two-thirds vote of a town meeting.

4. No proposed amendment to this by-law which has been unfavorably acted upon by the Town Meeting shall be considered on its merits within two years after the date of such unfavorable action unless the adoption of such an amendment is recommended in the final

report of the Planning Board required by Section 6 to and including 9 of Chapter 40-A of the General Laws.

## GENERAL PROVISIONS

### Section 6. Definitions

1. Unless otherwise expressly stated, the following terms shall for the purpose of this by-law, have the meanings indicated.

2. Words used in the present tense include the future. Words used in the masculine gender include the feminine and neuter; and in the feminine or neuter, the masculine.

Words used in the singular number include the plural; and in the plural, the singular. "Lot" includes "plot"; "building" includes "structure"; "occupied" includes "designated or intended to be occupied"; and the "used" includes "designated or intended to be used".

"Accessory Signs" — Any billboard, sign or other advertising device that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected, or the business transacted thereon. The definition does not include signs which advertise the property itself or any part thereof for sale or rent.

"Accessory Use" — Is the use of a building or premises for a purpose customarily incidental to a use permitted in the district in which it is located.

"Alteration" — A change in a building which modifies its location, plan, manner of construction or the kind of materials used or in any way varies the character of its use.

"Apartment" — A portion of a building used as a dwelling by one family.

"Apartment House" — Any building containing three or more apartments.

"Awning" — The word awning shall be held to have the following meaning: A rooflike covering, as of canvas, stretched upon a frame that is affixed to a building and used above or before any place as a shelter from rain or sun.

"Basement" — That part of a building which has more than one-half of its clear height below the level of the finished grade.

"Boarding House (Home)" — A house in which a regular service of meals is furnished for persons for a remuneration.

"Building, Existing" — A building already erected upon the effective date of this by-law.

"Building, New" — A building erected after the effective date of this by-law.

"Building, Line" — The line established by law, beyond which a building shall not extend, except as specifically provided by law.

"Business Area" — A business area is any area included within a district zoned primarily for business or commercial purposes under the Zoning By-Law. It does not include any area within a district zoned for residential purposes under said Zoning By-Law as hereinafter defined, regardless of whether the area is being lawfully used or is available for such use through a special permit or a variance granted by the Board of Appeals or through a nonconforming use or by any other means.

"Commercial Vehicle" — Any truck, tractor, cart or wagon, whether or not marked to indicate a business use, as well as any passenger car on which is painted or otherwise permanently affixed any writing to designate the business use or affiliation of the said car in the business, profession or occupation of the owner or user, shall be deemed to be a commercial vehicle for the purposes of this by-law.

"Corner Lot" — Is a lot at the junction of and fronting on two or more intersecting streets or ways. Only that portion of the lot having a frontage on any street of 150 feet or less shall be considered a corner lot. On a corner lot the front yard set back requirements must be complied with on each street.

"Court" — An unoccupied space other than a yard, inclosed on three or more sides and on the same lot as the building, but open to the sky, unobstructed by roof, sky-light or other appendages. A court which extends to the street, rear yard, front yard or side yard is an "Outer Court"; a court that does not thus extend is an "Inner Court"

"Duplex House" — Is a house containing two apartments adjoining side by side; that is, in which no part of one apartment is over any part of the other apartment. A duplex house shall be considered as one main building occupying one lot for the purpose of determining yard requirements.

"Dwelling" — A house or building or portion thereof which is occupied by one or more families doing their cooking on the premises.

"Erected" —The word erected shall include the words attached, built, constructed, reconstructed, altered, enlarged and moved.

"Family" — Is a number of individuals living together as a single housekeeping unit and doing their cooking upon the premises.

"Floor area ratio" — The ratio of the gross habitable floor area of a structure to the total area of the lot.

"Front Yard" — Is a space across the full width of the lot and extending from the front line of the building on such lot to the front line of such lot.

"Frontage" — The front part of a building or lot abutting on a public or private way. A corner lot fronts on the street which it is numbered.

"Garage" — Any building, or part thereof, wherein is kept or stored one or more motor vehicles, or wherein the painting, repairing or greasing of motor vehicles is performed.

"Garage, Private" — A garage in which no business or industry connected directly or indirectly with motor vehicles is carried on and in which only passenger cars are housed.

"Gross Floor Area" — The gross floor area of a building is the total area of all floors, including basement and mezzanines, measured to the exterior walls of the building, and including partitions, stairhalls, corridors and covered porches.

"Gross Habitable Floor Area" — The sum, in square feet, of the gross horizontal areas of all the floors of a building, including basements, as measured from the exterior faces of the exterior walls, or center lines of walls separating two buildings, including:

(a) elevator shafts and stairwells on each floor;
(b) attic space, whether finished or unfinished, except as hereafter excluded;
(c) interior mezzanines, and penthouses; and
(d) basement and cellar areas not devoted exclusively to uses accessory to the operation of the building;

but excluding

(a) areas used for parking garages, accessory parking, or off-street loading purposes;
(b) basement and cellar areas devoted exclusively to uses accessory to the operation of the building;
(c) open or lattice enclosed exterior fire escapes; and
(d) attic space and other areas for elevator machinery or mechanical equipment accessory to the building
(e) roofed or enclosed porches and balconies.

"Half Story" — Is any story which is under a sloping roof, where the point of intersection of the tops of the rafters and the face of the wall is less than three (3) feet above the floor level.

"Height of Building" — Is the vertical distance of the highest point of the roof above the mean finished grade of the ground adjoining the building, excluding penthouses, bulkheads and other allowable superstructures above the roof.

"Landscaping and Recreation Area" — The part or parts of a lot developed and permenantly maintained in grass or other plant materials or appropriately designed for outdoor recreational use by the occupants of the lot, which space is open to the sky and is free of automotive traffic and parking. No part or parts of a lot shall be considered to satisfy the requirement of this By-Law for Landscaping and Recreation Area unless the following conditions apply:

(a) at least 75 percent of the area has a grade of less than 8 percent;
(b) the width of such space shall average at least 35 feet and in no case shall be less than 25 feet.

"Lot" — is the parcel of land on which a Principal building and its accessories are placed, together with the required open spaces.

"Lot Line" — Is a division line between adjoining properties or a division line between individual lots established by a plan filed in the Registry of Deeds or Land Court.

"Marquee" — The word marquee shall be held to have the following meaning: A rigid surface canopy structure projecting from a building over an exterior entrance thereto and used as a shelter from rain or sun.

"Non-Accessory sign" — Any billboard, sign or other advertising device that does not come within the foregoing definition of an accessory sign.

"Occupancy" — Use or occupancy of a building, character of use, or designated purpose of a building or structure or portion thereof.

"Office" — The term "office" is defined as a place in which functions such as directing, consulting, record keeping, clerical work, and sales (without the presence of merchandise) of a firm are carried on. An office is also defined as a place in which a professional man conducts his professional business.

"Outdoor Storage Area" — An "outdoor storage" area shall be defined as an unenclosed or unroofed space in which are kept merchandise for sale, goods to be processed, or machinery for use.

"Park" — For the purposes of this By-Law, a "park" shall be defined as a parcel of land which a public agency may hold for ornamental and/or recreational uses. It may include any publicly owned land officially designated as Park, Cemetery, Great Pond, Historic Site, Parkway, Playground, or any appellation of similar meaning.

"Parking Area" — A public parking area or private parking area that is open to parking of motor vehicles by customers of the stores.

"Parking Space" — Is a paved and marked space of at least 8.5 by 20 feet reserved for regular parking use with direct access to a driveway.

"Penthouse" — Is a small structure built upon the roof.

"Person" — The word person shall include one or more individuals, a partnership, an association or a corporation.

"Political Sign" — A political sign is an outdoor sign of a temporary nature used in an election campaign which may pertain to candidates for elective office or to matters brought before the public in the form of referenda. Town precinct bulletin boards and any notices thereon shall not be construed as political signs.

"Rear Yard" — Is the space across the full width of a lot and extending from the rear foundation line of the building located on such lot to the rear line of such lot.

"Residential Area" — A residential area is any area situated within a district zoned primarily for residential purposes under the Zoning By-Law.

"Rooming or Lodging House" — A house in which a business is made of renting rooms.

"Sale or Rent Signs" — A sale or rent sign includes signs which advertise the property itself or any part thereof for sale or rent.

"Sanatorium or Sanitarium" — An establishment for reception and treatment of invalids or convalescents where conditions are favorable and beneficial to the patient.

"Side Yard" — Is a space extending from the front yard to the rear yard between a building and the adjacent side line of the lot on which said building is located.

"Sign" — The word sign shall include any letter, word, symbol, drawing, picture, design, device, article and object that advertises, calls attention to or indicates any premises, person or activity, whatever the nature of the material and manner and composition or construction.

"Size" — In applying the maximum height and width limitations described in this By-Law for signs, any intermediate removable surface to which a sign is affixed shall be deemed to be part of the sign.

"Standing Sign" — The term standing sign shall include any and every sign erected on or affixed to the land and every exterior sign that is not attached to a building.

"Store" — A store shall include any establishment, place of business or office.

"Story or Floor" — That part of a building between any floor and the floor or roof next above. For the purpose of this By-Law, where a building is not divided into stories, a story shall be considered fifteen feet in height, provided that steeples, penthouses, cupolas, stage lofts, etc., shall not be considered as additional stories.

For the purpose of this by-law, where a building is not divided into stories, a story shall be considered fifteen feet in height, provided that steeples, penthouses, cupolas, stage lofts, etc., shall not be considered as additional stories. A basement or cellar, the ceiling of which extends more than four feet, six inches above the average finished grade, shall be a story within the meaning of this by-law. However, a basement or first floor which is not occupied by any family for dwelling purposes, except by a janitor and his family, but is used for parking, lobby, stairwell, elevator well, laundry, storage or like purposes, shall not be a story within the meaning of this by-law.

"Street" — Any public way or a private way that is open to public use.

"Street Line" — The dividing line between a street and a lot.

"Two-Family House" — Is a house containing two apartments, in which part of an apartment is over part of the other apartment. (See Duplex House.)

"Zoning By-Law" — The Zoning By-Law of the Town of Arlington which as from time to time is in force and effect.

**Section 7. Non-Conforming Buildings and Uses**

1. This by-law and any amendment thereof shall not apply to buildings existing at the time of its taking effect or to the existing use of buildings or land.

2. If any building existing at the time of this by-law takes effect is then legally used in whole or in part for a purpose for which a new

building may not be constructed or used under the provisions of this by-law, this by-law shall not prohibit the changing of such use of such building or part to a use which is not substantially different from the existing use, provided the building is not altered structurally and provided further that the new use is not prohibited in the most restricted zone in which the present use would be permitted. However, no non-conforming use which is changed to a conforming use shall be permitted to revert to a non-conforming use.

3. Any building or part of a building which, at the time of the adoption of this amendment, is being legally put to a use not conforming with the regulations of the district in which it is situated may continue to be used for the same purpose or for purposes not substantially different, and may be repaired; but not nonresidential building, if destroyed to the extent of 75% of its value above the foundation, shall be rebuilt for non-conforming use. No non-conforming building shall be extended or enlarged except by permission of the Zoning Board of Appeals. The Zoning Board of Appeals may grant permission if such rebuilding, extension or enlargement would be in harmony with the general purpose and intent of this by-law, and not otherwise.

**Section 8. Use of Land**

The use of land for any purpose other than those specifically provided for in these by-laws is hereby forbidden. No sod, loam, sand, gravel or quarry stone shall be removed for sale (except when incidental to and in conformity with the construction of a building for which a permit has been issued in accordance with the Building Laws,) except by permission of the Zoning Board of Appeals, such permission being obtained in accordance with the procedure provided in Section 4 and only when such permission would be in harmony with the general purpose and intention of this by-law and under such conditions as the Zoning Board of Appeals may impose. However, nothing contained in this section, or any amendment thereof, shall prevent the continued use of any land for the purpose for which it is legally being used at the time this section or any amendment thereof takes effect.

**Section 9. Restrictions Affecting All Districts**

No new building or part thereof shall be constructed or used, and no premises shall be used, and no building or part thereof shall be altered, enlarged, reconstructed ,or used under the conditions designated as (a) and (b) of this section in any part of the town.

(a) For any purpose which by the emission or discharge of fumes, vapor, gas dust, offensive odors, chemicals, poisonous fluids, or substances, refuse, organic matter or excrement, the causing of noise or vibrations, or by unduly increasing the risk from fire or explosion, or otherwise, would be dangerous or injurious to the public health or safety.

(b) For any purpose which would be for any reason injurious to the health, safety, morals or welfare of the community or harmful to property therein.

**Section 10. Access and Parking for Business and Industrial Buildings**

No driveway or other means of access for vehicles other than a public street and no parking space for private automobiles or commercial vehicles shall be maintained or used in any residence district to serve business or industrial buildings located in a business or industrial district.

**Section 11. Corner Clearance in Residential Districts**

Between the property lines of intersecting streets and a line joining points on such lines twenty feet distant from their point of intersection or in the case of a rounded corner, the point of intersection of their tangents, no building or structure in any residence district may be erected and no vegetation other than shade trees may be maintained between a height of three feet and seven feet above the plane through their curb grades.

**Section 12. Reduction of Lot Area**

No lot or part thereof on which is located any building used for residence purposes in any district shall be reduced or changed in area or shape or use so that the building or lot or part of the lot fails to comply with the provisions of this by-law. This section, however, shall not apply in the case of a lot a portion of which is taken for a public purpose.

**Section 12-A. Location of Private Garages**

Private garages shall be located not less than five feet from any other building except that such garages of first or second class fire protected construction may be located adjacent to any other building.

**Section 12-B. Restrictions Affecting All Residence Districts**

The storage or keeping of not more than one commercial vehicle in a private garage accessory to a dwelling shall be allowed if owned or used by a person residing in such dwelling. In no case, however, shall the regular open-air parking of any commercial vehicle be permitted in any residence district except with permission of the Zoning Board of Appeals.

## RESIDENCE A DISTRICTS

### Section 13. Use Regulations

In the Residence A districts, no new buildings or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

(a) Any industry, trade, manufacturing or commercial purposes:

(b) Any purpose except one or more or the following:

1. Single family detached dwelling house
2. Physician's (M.D.) office in residence
3. Farm (except the raising of livestock or poultry) or market garden but in no case shall goods or produce be sold that are not the natural products of the premises in question.
4. Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto, including a private garage for not more than two cars.
5. Church, school (except a music ,dancing or riding academy) library or museum, hospital, sanitorium (or other medical institution) or a public utility building, provided the approval of the Zoning Board of Appeals is obtained in the manner set forth in Section 4 and 4A. In no case, however, shall a public utility building be used for the general garaging or dispatching of automobiles or for the storage of materials for construction or maintenance purposes.

### Section 13-A. Area Regulations

1. Lot Area. In the Residence A districts, no lot shall have a frontage of less than sixty feet or an area of less than six thousand square feet and no building or buildings on any one lot including garages, stables and other accessory buildings, shall be constructed, altered, enlarged, reconstructed or moved, so as to have an average gross floor area per story of more than 35 percent of the area of the lot, provided, however, that this restriction shall not prohibit the erection of a private garage for not more than two cars which is accessory to and used with a building existing when this by-law takes effect and used as a residence for a single family.

2. Building Area. No one-story house shall have a floor area of less than 700 square feet. No house more than one story in height shall have a first floor area of less than 500 square feet or a second floor area of less than 250 square feet. Of the second floor area at least 125 square feet must have a clear head room of 7 feet.

### Section 13-B. Height and Area Regulations

The height and area regulations in the Residence A district are hereby established as set forth in the "Schedule of Height and Area Regulations" attached hereto.

### Section 13-C. Parking Requirements

1. In the Residence A District, automobile parking spaces shall be required off-street and on land associated with and adjacent to each residential structure. Such off-street spaces shall not be in the front yard of any building. Off-street parking area shall be provided at the ratio of at least one parking space, open or covered, for each dwelling unit in each structure.

## RESIDENCE B DISTRICTS

### Section 14. Use Regulations

In the Residence B districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

(a) Any industry, trade, manufacturing or commercial purpose;

(b) Any purpose except one or more of the following:

1. Any use which is permitted in a Residence A district.
2. Two-family or duplex houses.
3. Such accessory purposes as are customary or usual in connection with two-family or duplex houses and are incidental thereto, including a private garage for not more than two cars.

### Section 14-A. Area Regulations

1. Lot Area. In the Residence B districts, no lot shall have a frontage of less than sixty feet or an area of less than six thousand square feet and no building or buildings on any one lot, including gar-

ages, and other accessory buildings, shall be constructed, altered, enlarged, reconstructed or moved so as to have an average gross floor area per story of more than 35 per cent of the area of the lot, provided however, that this restriction shall not prohibit the erection of a private garage for not more than two cars which is accessory to and used with a building existing when this by-law takes effect and used as a residence.

2. Building Area. (a) No one-family, one-story house shall have a floor area of less than 700 square feet. No one-family house more than one story in height shall have a first floor area of less than 500 square feet or a second floor area of less than 250 square feet. Of the second floor area at least 125 square feet must have a clear head room of 7 feet.

(b) No duplex house shall have a floor area less than twice that required for one-family buildings, as stated in the preceding paragraph.

(c) No two-family house shall have a floor area of less than 700 square feet per family unit, including stairways.

### Section 14-B. Height and Area Regulations

The height and area regulations in the Residence B districts are hereby established as set forth in the "Schedule of Height and Area Regulations" attached hereto.

### Section 14-C. Parking Requirements

1. In the Residence B district, automobile parking spaces shall be required off-street and on land associated with and adjacent to each residential structure. Such off-street spaces shall not be in the front yard of any building. Off-street parking area shall be provided at the ratio of at least one parking space, open or covered, for each dwelling unit in each structure.

## RESIDENCE C AND C-1 DISTRICTS

### Section 15. Use Regulations

In Residence C and C-1 districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

(a) Any industry, trade, manufacturing or commercial purpose:

(b) Any purpose except one or more of the following:

1. Any use which is permitted in a Residence B district

2. Apartment house

3. Boarding house or lodging house

4. Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto, including a private garage.

**Section 15-A. Building Coverage and Court Regulations**

1. In the residence C and C-1 districts, no building or buildings including garages shall be constructed, altered, enlarged, reconstructed or moved in such a way as to cover more than 30 per cent of the area of the lot for a building of five or more stories or 60 feet or more in height, or more than 35 per cent otherwise.

2. Inner courts shall not be permitted in any building. Outer courts shall have a minimum width of 25 feet or two-thirds the average height of the walls surrounding the court, whichever is the greater. In no case shall an outer court have a depth greater than its width unless such width exceeds 50 feet, in which case the maximum depth permitted shall be one and one-half times the width.

**Section 15-B. Parking Spaces**

In the Residence C and C-1 districts, automobile parking spaces shall be required off-street and on land associated with and adjacent to each residential structure containing dwellings for three or more families erected after the date of adoption of this amendment. Such accessible and usable spaces, plus space for entrances, exits and driveways, in said off-street parking area shall be provided at the ratio of at least one parking space (open or covered) for each dwelling unit in each such structure. Such off-street spaces shall not be within 15 feet of any street line nor in the front yard of any building unless within an underground or basement garage not opening directly onto the frontage street. All parking facilities so provided are to be for the exclusive use of residents of the property and their guests.

**Section 15-C. Height and Area Regulations**

The height and area regulations in the Residence C and C-1 districts are hereby established as set forth in the "Schedule of Heights and Area Regulations" attached hereto. Single and two-family houses constructed in a Residence C or C-1 district shall be required to conform to the minimum area and yard requirements of the Residence B districts.

**Section 15-D. Landscaping and Recreation Area**

Landscaping and recreation area shall be required in the Residence C and C1 districts and shall equal at least 30% of the gross habitable floor area of the lot of the first three stories or partial stories and 20% of the gross habitable floor area of each story thereafter and the basement of each residential building containing three or more dwelling units erected after the date of adoption of this amendment. Balconies, whose areas shall rate as equal their actual areas for the purposes of this calculation may be used in satisfaction of not more than fifty percent of this requirement, provided each one is directly accessible through a door to the apartment to which it is accredited. Such balcony shall be for the exclusive use of one apartment opening directly onto it; it shall have no side of less than six feet, and it shall be safeguarded by a permanent railing or its equivalent. It may be covered, but it shall not have building walls around more than half its perimeter.

A planting strip not less than five feet in width shall surround each residential building containing three or more dwelling units erected in the Residence C and C-1 districts after the date of adoption of this amendment.

In the Residence C and C-1 districts, any open parking facilities for five or more automobiles which may abut property used for residential purposes shall be enclosed by either a planting strip not less than five feet in width or a screening device such as an opaque fence or wall not less than five feet or more than six feet in height. Said fence or wall may extend to within fifteen feet of the street line.

If an open stream falls within the boundaries of a property, the minimum set-back of any building therein, erected after the date of adoption of this amendment, shall be fifteen feet from the nearest embankment of the stream. In no case, however, shall any building be permitted within fifteen feet of the embankment of an open stream. The area, measured from the embankment may be used in the calculation of Landscaping and Recreation Area.

## RESIDENCE D DISTRICTS

**Section 15-1. Use Regulations**

In Residence D districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

(a) Any industry, trade, manufacturing or commercial purpose;

(b) Any purpose except one or more of the following:

1. Any use which is permitted in a Residence A district.
2. Apartment House

3. Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto, including a private garage.

**Section 15-2. Building Coverage and Court Regulations**

1. In the Residence D districts, no building or buildings including garages shall be constructed, altered, enlarged, reconstructed or moved in such a way as to cover more than 35 per cent of the area of the lot.

2. Inner courts shall not be permitted in any building. Outer courts shall have a minimum width of 50 feet. In no case shall an outer court have a depth greater than one and one-half times its width.

**Section 15-3. Parking Spaces**

In Residence D districts, automobile parking spaces shall be required off-street on land associated with and adjacent to each residential structure containing dwellings for three or more families erected after the date of adoption of this amendment. Such accessible and usable spaces, plus space for entrances, exits and driveways, in said off-street parking area shall be provided at the ratio of at least one parking space (open or covered) for each dwelling unit in each structure. Such off-street spaces shall not be within 15 feet of any street line nor in the front yard of any building unless within an underground or basement garage not opening directly onto the frontage street. All parking facilities so provided are to be for the exclusive use of residents of the property or their guests.

**Section 15-4. Height and Area Regulations**

The height and area regulations in the Residence D districts are hereby established as follows:

| | |
|---|---|
| Height 50 feet — four stories | |
| Front yard min. depth in feet | 35 feet |
| Side yard min. width in feet | 25 feet |
| Rear yard min. depth in feet | 25 feet |
| Maximum occupancy in per cent | 35 per cent |

Single family houses constructed in a Residence D district shall be required to conform to the minimum area and yard requirements of the Residence A districts.

Where a building faces one or more streets, each such face shall be considered the front in determining set back requirements.

**Section 15-5. Landscaping and Recreation Area**

Landscaping and Recreation Area shall be required in Residence D districts and shall equal at least 30 per cent of the Gross Habitable Floor Area on the lot of the first three stories or partial stories and 20 per cent of the Gross Habitable Floor Area of each story thereafter. Balconies, whose areas shall rate as double their actual areas for the purpose of this calculation, may be used in partial or complete satis-

faction of this requirement, provided each one is directly accessible through a door to the apartment to which it is credited. Such a balcony shall be for the exclusive use of one apartment opening directly onto it; it shall have no side of less than six feet, and it shall be safeguarded by a permanent railing or its equivalent. It may be covered, but it shall not have building walls around more than half its perimeter.

## RESIDENCE E DISTRICT

### Section 15-1.1 Use Regulations

In the Residence E District no new building or part thereof shall be constructed or used and no new building or part thereof shall be altered, enlarged, reconstructed, or used and no land shall be used for:

(a) any industry, trade, manufacturing or commercial purpose;

(b) any purpose except one or more of the following:

1. Any use which is permitted in a Residence B District.
2. Apartment house
3. Such accessory purposes which are customary or usual in connection with the foregoing purposes and are incidental thereto, including a private garage.

### Section 15-1.2 Parking Spaces

In the Residence E District, automobile parking spaces shall be required off-street and on land associated with and adjacent to each residential structure containing three or more dwelling units erected after the date of adoption of this amendment. Such accessible and usable spaces, plus spaces for entrances, exits and driveways, in said off-street parking area shall be provided at the ratio of at least one parking space for each dwelling unit in each such structure. Such off-street parking spaces shall not be within 15 feet of any street line, nor in the front yard of any building unless within an underground or basement garage not opening directly onto the frontage street. All parking facilities so provided are to be for the exclusive use of residents of the property and their guests. Provided the above standards are met, parking may be permitted within the interior of a building used primarily for residential purposes, or on the ground floor within the building line exposed otherwise to the elements, or in an open area. No parking or driveways shall be permitted within 15 feet of the line of embankment of an open stream.

Within the Residence E District a buffer strip, at least five feet in width, shall be provided between any driveways or parking areas as-

sociated with any residential structure containing three or more dwelling units erected after the date of adoption of this amendment and any abutting property line. Said buffer strip shall be property planted and shall be provided with opaque fences for visual protection of abutting properties. The aforesaid fences shall not be less than three feet or more than four and a half feet in height. Provided they meet the height requirements of fences, as set forth in this paragraph, suitable dense shrubbery may be used in lieu thereof.

**Section 15-1.3 Height and Area Regulations**

Single family houses and two family or duplex houses constructed in the Residence E district after the effective date of this amendment shall be required to conform to the minimum lot area and yard requirements of the Residence B. district.

Single family houses or two family duplex houses constructed in the Residence E district after the effective date of this amendment shall be required to conform to the minimum building area requirements of the Residence B district.

**Apartment houses:**

Front Yard, or set back, measured from the front property line: 20 feet minimum depth.
Side Yards: There shall be two side yards, 25 feet minimum width for each side yard.
Rear Yard: 40 feet minimum depth.
Height 40 feet — three stories maximum.
Lot Size: In the Residence E district, any property containing three or more dwelling units erected after the date of adoption of this amendment shall be of such an area as to provide a minimum of 1,250 square feet per dwelling unit. This area, which shall be calculated on the basis of the total land within the boundaries of the property, may include the land upon which the building is erected, Landscaping and Recreation Area, other planting areas, surface water, parking space, driveways, sidewalks, and any easements upon the land.

In the Residence E district, all buildings used for residential purposes shall conform to the court regulations set forth in Section 15-A, paragraph 2 of the Zoning By-Law.

**Section 15-1.4 Landscaping and Recreation Area**

Landscaping and Recreation Area shall be required in the Residence E districts and shall equal at least 30 percent of the Gross Habitable Floor Area on the lot. Within the Residence E districts balconies shall not be used for the purpose of calculating Landscaping and Recreation Area requirements.

If an open stream falls within the boundaries of a property, the minimum set back of any building therein shall be fifteen feet from the nearest embankment of the stream. In no case, however, shall any building be permitted within 15 feet of the embankment of an open

stream. The area, measured from the embankment may be used in the calculation of Landscaping and Recreation Area.

A planting strip not less than five feet in width shall surround each residential building containing three or more dwelling units erected in the Residence E districts after the date of adoption of this amendment.

## RESIDENCE F DISTRICT

**Section 15.2. 1: Use Regulations**

In the Residence F district no new building or part thereof shall be constructed or used and no existing building or part thereof shall be altered, enlarged, reconstructed or used and no land shall be used for:

(a) any industry, trade, manufacturing or commercial purpose;

(b) any purpose except one or more of the following:

1. Any use which is permitted in the Residence B district
2. Apartment house
3. Such accessory purposes which are customary or usual in connection with the foregoing purposes and are incidental thereto, including a private garage.

**Section 15-2. 2: Parking Spaces**

In the Residence F district, automobile parking spaces shall be required off-street and on land associated with and adjacent to each residential structure containing three or more dwelling units erected after the date of adoption of this amendment. Such accessible and usable spaces, plus spaces for entrances, exits and driveways, in said off-street parking area shall be provided at a ratio of at least one parking berth per dwelling unit, except low income, multi-family housing for the elderly built under state or federal public housing programs. For such public housing projects, one space for each five dwelling units shall be provided.

Such off-street parking spaces shall not be within 15 feet of any street line, nor in the front yard of any building unless within an underground or basement garage not opening directly onto the frontage streets. All parking facilities so provided are to be for the exclusive use of residents of the property and their guests. Provided the above standards are met, parking may be permitted within the interior of a building used for residential purposes, or on the ground floor within the building line exposed otherwise to the elements, or in an open area. Parking or driveways shall be located at least fifteen feet from the line of embankment of an open stream.

Within the Residence F district a buffer strip at least five feet in width shall be provided between any driveways or parking areas associated with any residential structure containing three or more dwelling units erected after the date of adoption of this amendment and any abutting residential property line. Said buffer strip shall be properly planted and shall be provided with opaque fences for visual protection of abutting residential properties. The afore-

said fences shall not be less than five feet or more than six feet in height. Provided they meet the height requirements of fences, as set forth in this paragraph, suitable dense shrubbery may be used in lieu thereof.

**Section 15-2. 3: Landscaping and Recreation Area**

Landscaping and Recreation Area shall be required in the Residence F district for all buildings containing three or more dwelling units.

Buildings containing three or more dwelling units and not exceeding 75 feet in height shall conform to the Landscaping and Recreation Area requirements of the Residence C-1 district, as set forth in Section 15-D of the Zoning By-Law.

Buildings containing three or more dwelling units and exceeding 75 feet in height shall be provided with Landscaping and Recreation Area equal at least to fifteen percent of the gross habitable floor area of all floors including the basement.

Balconies, whose areas shall rate as equal their areas for the purposes of calculating Landscaping and Recreation Area may be used in satisfaction of not more than fifty percent of this requirement, provided that each one is directly accessible through a door to the apartment to which it is accredited. Such balcony shall be for the exclusive use of one apartment opening directly onto it; it shall have no side of less than six feet, and it shall be safeguarded by a permanent railing or its equivalent. It may be covered, but it shall not have building walls around more than half its perimeter.

**Section 5-2. 4: Height and Area Regulations**

Single and two family houses or duplex houses erected in the Residence F district after the date of adoption of this amendment shall be required to conform to the minimum lot area and yard requirements of the Residence B district.

Single and two family or duplex houses erected in the Residence F district after the date of adoption of this amendment shall be required to conform to the minimum building area requirements of the Residence B district.

In the Residence F district, apartment buildings may not exceed one hundred and ten feet in height and one hudred and twenty five feet in length.

Apartment buildings 75 feet in height or less shall conform to the height and area regulations of the Residence C-1 district.

Apartment buildings exceeding 75 feet in height shall conform to the following requirements:

a. front yard or set-back, measured from the front property line: $(H+L)/6$; minimum depth of 15 feet;
b. side yards: There shall be two side yards, each of dimension $(H+L)/6$; and a minimum of 20 feet;
c. rear yard: $(H+L)/6$ and a minimum depth of 40 feet; where H means the height of the building in feet, and L means the length of wall in feet measured parallel to the

corresponding lot line or street.

The floor area ratio of apartments in the Residence F district shall not exceed 3.0, for all buildings erected in this district after the date of adoption of this amendment.

Buildings erected in the Residence F district after the date of adoption of this amendment shall be located at least fifteen feet from the line of embankment of an open stream.

## BUSINESS A DISTRICTS

**Section 16. Use Regulations**

In the Business A districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used and no land shall be used for any purpose except the following:

(a) Any purpose which is authorized or may be permitted in the Residence C-1 districts.

(b) One or more of the following uses:

1. Store, salesroom or showroom for the conduct of retail business
2. Wholesale showroom, with storage limited to floor samples only
3. Restaurant or other place for the serving of food or beverages, provided that no dancing and no mechanical or live entertainment is regularly furnished unless permitted by the Zoning Board of Appeals as hereinafter authorized
4. Any of the following personal or consumer service establishments: barber shop or beauty parlor, clothing rental establishment, collection station for laundry or dry cleaning, dressmaking or millinery shop, funeral home, hand or self-service laundry, interior decorating studio, photographic studio
5. Business or professional office or agency, bank or other financial institution
6. Public or semi-public building
7. Automobile parking lot

(c) One or more of the following additional uses, provided the approval of the Zoning Board of Appeals is obtained in the manner set forth in Section 4 and 4A:

1. Public garage or gasoline filling station provided, however, that no such business shall be carried on between the hours of midnight and 6 A.M.
2. Hotel or motel
3. The regular furnishing of entertainment at a restaurant or similar place
4. Theater, meeting hall, club house, dancing or music academy, or other indoor place of amusement or assembly

5. Any other purpose which the Zoning Board of Appeals shall specifically find is of the same general character as any of the foregoing purposes authorized or permissible in the district

(d) Such industry, trade or light manufacturing as is customary or usual in connection with, or is part of, any of the purposes authorized or permitted under the provisions of this Section and is incidental thereto, if such industry is carried on in the same building or in other buildings on the same premises as the business or use with which it is connected, provided, however, that:

1. No industry, trade or light manufacturing shall be carried on in a business district which is prohibited or not authorized in the industrial districts, or is dangerous to the vicinity because of possible fire, explosion or other cause
2. The total floor space which may be used for such industry, trade or light manufacturing, including processing, repair work, and the storage of materials and equipment for off-premises use, shall not exceed a total area of two thousand (2000) square feet per establishment (whether on the same or adjoining lots), unless permission of the Zoning Board of Appeals is obtained in the manner provided in Section 4 and 4A for the use of such additional floor space as they shall specify

(e) Such other accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto.

**Section 16-A. Building Coverage and Court Regulations**

In the Business A districts, all buildings used for residential purposes shall conform to the building coverage and court regulations as set forth in Section 15-A for Residence C districts, except that where a particular business district has a maximum dimension of less than 500 feet and is bounded on all sides by a Residence A and/or Residence B district, the coverage and court regulations as set forth in Section 15-2 for Residence D districts shall apply instead.

**Section 16-B. Height and Area Regulations**

The height and area regulations in the Business A districts are hereby established as set forth in the "Schedule of Heights and Area Regulations" attached hereto. All buildings in the Business A districts used for residential purposes shall conform to the yard, parking and Landscaping and Recreation Area regulations as set forth for Residence C and C-1 districts, except that where a particular business district has a maximum dimension of less than 500 feet and is bounded on all sides by a Residence A and/or Residence B district, the yard, parking and Landscaping and Recreation Area regulations as set forth for Residence D districts shall apply. Buildings in Business A districts used exclusively for residential purposes may rise to the height per-

mitted in adjacent Residence C-1 districts except that where a particular business district has a maximum dimension of less than 500 feet and is bounded on all sides by a Residence A and/or Residence B district the height limitation shall be 40 feet and 3 stories.

**Section 16-C. Enclosure of Uses**

In the Business A districts, all uses which are authorized or may be permitted, and all uses accessory thereto, shall be conducted wholly within a completely enclosed building, except the following:

1. Uses which are authorized or may be permitted in the Residence C districts
2. Plants growing in the soil
3. Automobile parking lots
4. Exterior signs
5. Exterior lights, if so arranged as to reflect away from streets and from adjacent residence districts

Provided, however, the Zoning Board of Appeals may permit, in the manner set forth in Section 4 and 4A, the open storage of goods, products, materials or equipment or other open use if accessory to a lawful main use conducted in a completely enclosed building on the same premises, provided that the total ground area devoted to such open use does not exceed twenty-five (25) per cent of the ground area covered by said building.

## BUSINESS B DISTRICTS

**Section 17. Use Regulations**

In the Business B districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used and no land shall be used for any purpose except the following:

(a) Any purpose which is authorized in the Business A districts

(b) One or more of the following uses:

1. Public garage or gasoline filling station
2. Hotel or motel
3. Place of amusement or assembly
4. Printing or publishing establishment
5. Plant for manufacturing of electrical or electronic devices, appliances, apparatus, or supplies
6. Plant for manufacturing of medical, dental, or drafting instruments, optical goods, watches or other precision instruments
7. Plant for manufacturing of advertising displays, awnings or shades, beverages (non-alcoholic), brushes, books, clothing or other textile products, jewelry
8. Storage in bulk of, or warehouse for, lumber, and other building supplies, contractors' equipment, food, furni-

ture, hardware, metal, paper, pipe, shop supplies, tobacco, tools, wood, or any products of manufacturing activities authorized or permitted in the district

(c) Provided the approval of the Zoning Board of Appeals is obtained in the manner set forth in Section 4 and 4A, any other lawful business, service, storage or light manufacturing use which said Board shall specifically find is (a) not dangerous to the vicinity by reason of fire or explosion, or other causes, and (b) not likely to create more noise, vibration, dust, heat, smoke, fumes, odor or glare than the minimum amount normally resulting from any of the uses specifically hereinbefore set forth.

(d) Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto.

**Section 17-A. Building Coverage and Court Regulations**

In the Business B districts, all buildings used for residential purposes shall conform to the coverage and court regulations set forth in Section 16-A for Business A districts.

**Section 17-B. Height and Area Regulations**

The height and area regulations in the Business B districts are hereby established as set forth in the "Schedule of Height and Area Regulations" attached hereto. All buildings in the Business B districts used for residential purposes shall conform to the yard, parking and Landscaping and Recreation Area regulations set forth in Section 16-B for Business A districts.

**Section 17-C. Enclosure of Uses in Certain Locations**

In the Business B districts, all uses which are authorized or permissible may be conducted within or without a completely enclosed building, except that permission of the Zoning Board of Appeals shall be required for open uses (whether main or accessory) if located wholly or partially within two hundred (200) feet of the boundary of a residence district subject to the same exceptions as apply to enclosure of uses in the Business A districts.

## BUSINESS C DISTRICTS

**Section 17-1.1. Use Regulations**

In the Business C districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used and no land shall be used for any purpose except the following:

(a) Any purpose which is authorized or may be permitted in the Residence C-1 districts.

(b) One or more of the following uses:

(1) Funeral home

(2) Business or professional office or agency

(3) Public or semi-public building

(c) Any other purpose which the Zoning Board of Appeals shall specifically find is of the same general character as any of the foregoing purposes authorized or permissible in the district, provided the approval of the Zoning Board of Appeals is obtained in the manner set forth in Section 4 and 4a of the Zoning By-Law.

(d) Such other accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto.

**Section 17-1.2 Building Coverage and Court Regulations**

In the Business C districts, all buildings used for residential purposes shall conform to the building coverage and court regulations as set forth in Section 15-A for Residence C districts, except that where a particular business district has a maximum dimension of less than 500 feet and is bounded on all sides by a Residence A and/or Residence B district, the coverage and court regulations as set forth in Section 15-2 for Residence D districts shall apply instead.

**Section 17-1.3 Height and Area Regulations**

The height and area regulations in the Business C districts are hereby established as set forth in the "Schedule of Heights and Area Regulations" attached hereto. All the buildings in the Business C districts used for residential purposes shall conform to the yard, parking and Landscaping and Recreation Area regulations as set forth for Residence C and C-1 districts, except that where a particular business district has a maximum dimension of less than 500 feet and is bounded on all sides by a Residence A and/or Residence B district, the yard, parking and Landscaping and Recreation Area regulations as set forth for Residence D districts shall apply. Buildings in Business C districts used exclusively for residential purposes may rise to the height permitted in adjacent Residence C-1 districts except that where a particular business district has a maximum dimension of less than 500 feet and is bounded on all sides by a Residence A and/or Residence B district the height limitation shall be 40 feet and 3 stories.
Buildings in Business C districts used primarily for non-residential purposes shall not exceed 40 feet and three stories in height.

**Section 17-1.4 Enclosure of Uses**

In the Business C districts, all uses which are authorized or may be permitted, and all uses accessory thereto, shall be conducted wholly within a completely enclosed building, except the following:

1. Uses which are authorized or may be permitted in the Residence C. districts.
2. Plants growing in the soil.
3. Automobile parking lots.
4. Exterior signs, if so arranged as not to shine upon secondary streets and away from adjacent residential districts.

5. **Exterior lights, if so arranged as to reflect away from streets and from adjacent residence districts.**

## INDUSTRIAL DISTRICTS

### Section 18. Use Regulations

In the Industrial districts, buildings or land may be used and buildings may be altered or erected for any legal use except the following:

(1) Abattoir and commercial slaughtering
(2) Manufacturing of corrosive, poisonous or malodorous acids and chemicals
(3) Cement, lime, gypsum and plaster of Paris manufacture
(4) Fertilizer manufacture. Fat rendering in manufacture of tallow, grease and oils
(5) Glue, size and gelatin manufacture.
(6) Petroleum and kerosene refining or distillation and derivation of by-products
(7) Manufacture of explosives and the stores of explosives in bulk
(8) Smelting and reduction of copper, tin, zinc, and iron ores
(9) Similar uses which are dangerous by reason of fire or explosion, or injurious, noxious or detrimental to the neighborhood by reason of the emission of dust, odor, fumes, smoke wastes, refuse matter, noise, vibrations or because of any other objectionable feature.
(10) A residence use for more than one family in building used for an industrial purpose.
(11) A yard for the storage or sale of used building or junk material

### Section 18-A. Building Coverage and Court Regulations

In the Industrial districts, all buildings used for residential purposes shall conform to the building coverage and court regulations set forth in Section 17-A for Business B districts.

### Section 18-B Height and Area Regulations:

**The Height and Area regulations in the Industrial Districts are hereby established as set forth in the "Schedule of Area Regulations" attached hereto. All buildings in the Industrial Districts used for residential purposes shall conform to the height and yard regulations as set forth for Residence B districts, except that all buildings containing three or more dwelling units shall conform to the height and area regulations as set forth in Section 15-1.3 of the Zoning By-Law for Residence E Districts.**

**Section 18-C Parking Requirements:**

In the Industrial Districts automobile parking spaces and driveways for buildings containing three or more dwelling units shall be required in conformance with the regulations set forth in Section 15-1.2 of the Zoning By-Law for Residence E Districts.

**Section 18-D Landscaping and Recreation Areas:**

In the Industrial Districts, Landscaping and Recreation Areas shall be required for all buildings containing three or more dwelling units in conformance with the Landscaping and Recreation Area requirements as set forth in Section 15-1.4 of the Zoning By-Law for Residence E Districts.

## OFF-STREET LOADING SPACE IN NON-RESIDENTIAL DISTRICTS

**Section 18-1. Off-Street Loading Requirements**

In the Business A, Business B, and Industrial districts, off-street loading space shall be established and maintained on the same premises with every building constructed, enlarged, or converted to a new use after the date of adoption of this amendment, but only where such construction, enlargement or conversion increases by more than eight thousand (8000) square feet, subsequent to said amendment, the total gross floor area of all buildings on the premises used, in whole or in part, for any of the following purposes:

(a) Store, salesroom or showroom
(b) Restaurant, personal or consumer service establishment
(c) Manufacturing plant, storage building or warehouse
(d) Any other use which is authorized or may be permitted in any non-residential district but not in any residence district, with the following exceptions:

1. Business or professional office or agency, bank or other financial institution
2. Public or semi-public building
3. Hotel or motel
4. Theater, meeting hall, club house, dancing or music academy
5. Place of amusement or assembly

Where the premises in question is vacant, or otherwise contains no buildings used for a purpose requiring off-street loading, the initial provision of floor area devoted to such purposes shall be deemed to constitute an increase in the floor area so used, and come within the jurisdiction of this Section.

**Section 18-2. Size and Number of Berths**

The required off-street loading space shall consist of accommodations outside the lines of any street for loading and unloading of

trucks and other commercial vehicles, and shall be in the form of one or more berths, located either within a building or in open space on the premises. Each berth shall be not less than twelve (12) feet wide and twenty-five (25) feet long, and shall have a minimum clear height, including access to it, of fourteen (14) feet. The minimum number of berths to be established shall be as follows:

8,000 to 20,000 sq. ft. of gross floor area — 1 berth
Each additional 20,000 sq. ft. or fraction thereof — 1 additional berth.

**Section 18-3. Premises Defined**

For the purposes of these requirements, the premises shall be deemed to be the lot on which the building in question is located, together with any adjacent lots used by the same commercial enterprise. However, in the case of a single building divided by permanent partitions into a number of different stores, plants, or other compartments for the use of separate commercial enterprises, each such store, plant or compartment and the portion of the lot allocated thereto shall be deemed to constitute a separate premises.

**Section 18-4. Exceptions**

The Zoning Board of Appeals may permit a special exception to the off-street loading requirements hereof and require only such degree of compliance as it may deem reasonable, in the following particular cases:

(a) Where a substantial portion of the gross floor area on the premises is devoted to uses which, in the opinion of the Board, do not involve the regular receipt or shipping of goods by truck or other vehicle.
(b) Where the loading or unloading of trucks or other vehicles standing within an abutting private street or alley, or public way will not, in the opinion of the Board, cause sufficient obstruction to travel as to justify enforcement.
(c) In a Business A district only, where the premises does not abut a private street or alley, nor more than one public street, and where interruption of its frontage on the main public street by a loading berth and/or by an access driveway thereto would, in the opinion of the Board, be undesirable because of undue pedestrian hazard or unreasonable reduction in the building width available for display (generally, where the width is less than one hundred feet).

## EXCEPTIONS

**Section 19. Height Exceptions**

The height limitations as set forth in the foregoing schedule shall not apply to chimneys, ventilators, skylights, water tanks, bulkheads, penthouses and other accessory additions which are required or are customarily carried above the roofs of buildings, nor to towers, spires, domes, cupolas, and similar additions to buildings if such additions are not used for living purposes.

**Section 20. Lot Area and Width Exceptions**

Minimum lot area and width requirements in Residence districts as set forth in Section 13-A and 14-A, shall not apply to lots which prior to the passage of this by-law were shown as separate parcels on subdivisions plans approved by the Board of Survey or on plans or deeds duly recorded with the Registry of Deeds. In the case of such lots, the required side yards need not be more than 7 feet 6 inches or 15 per cent of the lot width, whichever is the greater.

**Section 21. Yard Exceptions**

1. Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half feet, and unenclosed steps, unroofed porches and the like, which do not project more than ten feet in the front yard and five feet in the side yard beyond the line of the foundation wall, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.
2. In the Residence A and B districts, no building need be set back from the street line more than the average of the set backs of the buildings on the lots adjacent thereto on either side, a vacant lot or a lot occupied by a building set back more than 25 feet in Residence A district or more than 20 feet in a Residence B district being counted as though occupied by a building set back 25 feet and 20 feet respectively; but in no case shall any part of a building in a Residence A or B district be less than 10 feet from any street line.
3. In the Business districts, a rear yard shall not be required in the case of an interior lot running through a block from street to street when improved by a single principal building.

## VALIDITY AND EFFECTIVENESS

**Section 21-A. Fallout or Blast Shelters**

1. The construction of a fallout or blast shelter of a design approved by the local Director of Civil Defense and the local Building Inspector shall not be deemed to be in violation of the yard regulations provided such shelter is completely below the finished grade of the adjoining land after such construction and is covered by earth to a depth of not less than two feet, except that an entrance and/or exit way may be substantially flush with the ground and ventilating pipes and covers may protrude above the ground if they are no greater size and height than is reasonably required for the purpose.

**Section 22. Validity**

The invalidity of any section, paragraph or provision of this by-law, or of any district, or part thereof as shown upon the Zoning Map, or of any boundary line shown upon said map, shall not affect the validity of any other section, paragraph or provisions of this by-law, or of any other district or part thereof as shown upon the Zoning Map, or of any other such boundary line.

**Section 23. Existing By-Laws Not Repealed**

Nothing contained in this by-law shall be construed as repealing or modifying any existing by-law or regulation of the Town, but shall be in addition thereto, provided that, wherever this by-law imposes greater restrictions upon the construction or use of buildings than other by-laws or provisions of law, such greater restrictions shall prevail.

**Section 24. When Effective**

This by-law shall take effect upon acceptance by the Town and its approval by the Attorney General and publication according to law.

**Section 25. Prosecution and Penalty**

Whoever violates any provision of this by-law, any of the conditions under which a permit is issued, or any decision of the Board of Appeals, may be fined not more than fifty dollars for each offense. Each day that such violation continues shall constitute a separate offense.

## SIGNS AND ADVERTISING DEVICES

**Section 25-A Number:**

There shall not be more than one exterior sign for each store, except that if the store has direct entrances into the store in walls other than the store front there may be a secondary sign affixed to each of such walls. If the store has a wall, other than the store front, that faces upon a street or parking area, there may be a secondary sign affixed to such wall whether or not such wall contains an entrance to the store; provided, however, that no store shall have more than three secondary signs in any event. The cumulative width of the secondary sign or signs shall not exceed fifty percent of the maximum possible width of the sign on the store front. In addition to the foregoing sign or signs, there may be one directory of the occupants or tenants of the building affixed to the exterior wall of the building at each entrance to the building. Such directory shall not exceed an area determined on the basis of one square foot for each occupant or tenant of the building.

**Section 25-B Location:**

In any industrial and business district, no sign shall be affixed to a building except as hereinafter provided. A sign attached to a building shall be securely affixed to one of the walls and shall be parallel with and not project more than twelve inches from the face of such wall and shall not project beyond the face of any other wall of the building to which it is affixed. No sign shall project above the highest line of the wall of the building to which it is affixed. If the sign is attached to a parapet, it shall not exceed the height of the parapet.

**Section 25-C Illumination and Animation:**

Flashing, moving and animated signs are prohibited in all zoning districts. No red or green lights shall be used on any sign if, in the opinion of the Building Inspector, such light would create a driving hazard. No sign shall be illuminated between 12:00 M and 6:00 A.M.

except signs identifying police or fire stations and such other signs as the Zoning Board of Appeals may specifically authorize to be illuminated at other hours, if the Board finds that the nature of the use of the premises is such that illumination should be permitted in the public interest. The provisions of this paragraph shall apply not only to exterior signs but also to interior signs that are designed or placed so as to shine through windows and doors of any building.

**Section 25-D Size:**

In all industrial and business districts, a sign on the exterior wall of the first floor of a building shall not be more than four feet over-all in height, and may extend across the full width of the store front. A sign on the exterior wall of a store occupying other than the first floor of a building shall not exceed two feet in height and three feet in width.

**Section 25-E Marquees and Awnings:**

1. A marquee and/or awning shall be permitted at each public entrance or display window of a store.

2. A marquee, including any lettering which may be attached to the top surface thereto, shall not be more than four feet over-all in height; such letters must be three-dimensional and parallel with the store front.

3. All regulations pertaining to animation, illumination, and location of signs shall also apply to marquees and awnings, with the exception that painted letters may be applied directly to an awning without the requirement of an intermediate surface thereto.

4. Notwithstanding the foregoing, any marquee or awning shall be subject to the provisions of the Building Code and the Regulations of the Board of Survey regulating signs, marquees, etc., projecting into, on, or over a public street or way.

**Section 25-F Standing Signs:**

**Standing signs are prohibited except as follows:**

1. Within the Business and Industrial Districts there may be one standing sign on each lot, indicating the names of the owners or occupants, street number, and permitted occupations and uses.

2. The over-all heights of a standing sign shall not exceed six feet, measured from the ground to the highest point of the sign.

3. Standing signs up to three feet in over-all height shall not exceed six feet in length, or ten square feet in area.

4. Standing signs exceeding three feet in over-all height shall not be more than two feet and six inches in over-all length. The display area of such standing sign shall not exceed one square foot for each occupant, or eight square feet in aggregate area.

5. During the construction of a building in residential, commercial and industrial districts, a standing sign may be erected on the premises identifying the building, the owner, the contractors, the architects, or the engineers, but such sign shall not exceed thirty five square feet in surface area nor ten feet in any direction. Such sign shall be removed promptly after the completion of the building.

6. In particular instances, the Zoning Board of Appeals may permit standing signs in business and industrial districts if it is determined that the nature of the use of the premises, the architecture of the building or the location of the building with reference to the street is such that a standing sign of dimensions exceeding those prescribed in paragraphs 2, 3 and 4 should be permitted in the public interest. In granting such permission, the Board of Appeals shall specify the size, type and location of the sign and impose such other terms and restrictions as it may deem in the public interest, subject, however, to the provisions of the Building Code and the Regulations of the Board of Survey regulating signs projecting into, on or over public street or way.

**Section 25-G Gasoline Filling Stations and Garages:**

Gasoline filling stations and garages may, if they elect to do so, divide the one exterior sign affixed to the front wall of the building to which they are entitled as hereinabove provided into separate signs affixed to and parallel to such wall to indicate the separate operations or departments of the business, provided, however, that the total of the widths of the separate signs shall not exceed the maximum width permitted under the section of this By-Law pertaining to number of signs. In addition, one sign, standing or otherwise, indicating the company whose gasoline is being sold may be erected of such type, in such location and in such manner as the Zoning Board of Appeals may permit. The standard type of gasoline pump, bearing thereon in usual size and form, the name or type of gasoline and the price thereof, shall not be deemed to be in violation of this By-Law.

**Section 25-H Construction:**

No sign shall be painted or posted directly on the exterior surface of any wall, including windows and doors. All signs must be painted, posted, or otherwise securely affixed to a substantial intermediate removable surface and such surface shall be securely affixed to the wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters of devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of one fourth (¼) of an inch. The material of the sign and intermediate surface and the manner of affixation of the sign to the intermediate surface and of the intermediate surface to the wall of the building shall be subject to the approval of the Building Inspector for the purpose of protecting the safety of the public. Notwithstanding the foregoing, signs may be painted or posted on the interior surface of any wall including windows and doors.

**Section 25-I Permits:**

No sign shall be erected on the exterior of any building or on any land unless and until application for the erection of such sign has been filed with the Building Inspector, with such information and drawings as he may require, and a permit for the erection of the sign has been issued by him. The provisions of this section shall not apply to permitted signs in residential districts except such as by the terms of this By-Law are permitted only with specific permission of the Board of Appeals.

**Section 25-J Pertinence to Other Laws:**

The zoning by-law shall not be construed as to be inconsistent with or in contravention to sections twenty-nine through thirty-three inclusive of Chapter 93, or section eight of Chapter 85 of the General Laws of the Commonwealth of Massachusetts as Amended.

**Section 25-K Nonconforming Signs:**

1. Any nonconforming sign legally erected prior to the adoption of this section, or any amendment thereof, may be continued to be maintained for a period of not longer than five years after the date of adoption of this section. Such a sign shall not be enlarged, reworded (other than in the case of theatre signs), redesigned or altered in any way unless it is brought into conformity. Any such sign which has been destroyed or damaged to such an extent that the cost of restoration would exceed 35% of the replacement value of the sign at the time of the destruction or damage, shall not be repaired or rebuilt or altered unless in conformity with this section.

2. The exemption herein granted shall terminate with respect to any sign which (1) shall have been abandoned; (2) advertises or calls attention to any products, businesses or activities which are no longer carried on or sold, whether generally or at the particular premises; or (3) shall not have been repaired or properly maintained within sixty days after notice to that effect has been given by the Building Inspector.

**Section 25-L Special Signs:**

In particular instances the Zoning Board of Appeals may permit more than the number of signs hereinabove permitted or signs of a greater size or in a location other than hereinabove specified, if it is determined that the architecture of the building, the location of the building with reference to the street or the nature of the use being made of the store is such that additional sign or signs of a larger size should be permitted in the public interest. In granting such permission, the Board of Appeals shall specify the size and location of the sign or signs and impose such other terms and restrictions as it may deem to be in the public interest.

**Section 25-M Non-Accessory Signs:**

1. No non-accessory signs shall be erected or maintained in any residential district.

2. No non-accessory signs shall be erected or maintained in any business or industrial district except as permitted under a permit lawfully issued, and remaining in full force and effect by the Outdoor Advertising Authority, or any board or officials succeeding to this authority in the administration of Sections 29-33, inclusive, of Chapter 93 of the General Laws, or any act in addition thereto or amendment thereof.

3. Any non-accessory sign shall comply with the provisions of this by-law with respect to Illumination, Movement, Construction, and Maintenance.

**Section 25-O Exceptions:**

This section, or any amendment thereof, shall not apply to any church, or any building or land used for religious purposes, or educational purposes which are religious, sectarian, denominational, or public.

# TOWN OF ARLINGTON, MASSACHUSETTS

## ZONING BY-LAW

## SCHEDULE OF HEIGHTS AND AREA REGULATIONS

| DISTRICT DESIGNATION | HEIGHT LIMITATION | | | AREA REGULATIONS | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | FEET | | STORIES | YARD SPACES REQUIRED | FRONT YARD MINIMUM DEPTH IN FEET | | SIDE YARD MINIMUM WIDTH IN FEET | REAR YARD MINIMUM DEPTH IN FEET | | MINIMUM BUILDING AREAS AND COURT REGULATIONS | MAXIMUM LOT OCCUPANCY IN PER CENT | SIZE OF LOT: MINIMUM FRONTAGE WIDTH IN FEET | SIZE OF LOT: MINIMUM AREA IN SQUARE FEET |
| RESIDENCE—A | 40 | See Section 19 | 2½ | A—Front Yard<br>B—Two Side Yards<br>C—Rear Yard | See:<br>Sections 20 & 21 For Exceptions<br>Note:<br>These front yard set back requirements of 25 feet for residence A and 20 feet for Residence B Districts also apply to garages. | 25 | Two required 10 ft. each except to lots which prior to the passage of this by-law were shown as separate parcels on subdivision plans approved by the Board of Survey or on plans or deeds duly recorded with the Registry of Deeds. In the case of such lots, the required side yards need not be more than 7½ feet or 15% of the lot width, whichever is the greater. | But the rear yard need not be more than 20% of the full lot depth. | 20 | Section 13A—2 | 35 | 60 | 6000 |
| RESIDENCE—B | 40 | See Section 19 | 2½ | A—Front Yard<br>B—Two Side Yards<br>C—Rear Yard | | 20 | | But the rear yard need not be more than 20% of the full lot depth. | 20 | Section 14A—2, a & b | 35 | 60 | 6000 |
| RESIDENCE—C | 60 | See Section 19 | 5 | A—Front Yard<br>B—Two Side Yards<br>C—Rear Yard | | 15 | Two required 10 ft. each. In no case less than ¼ the height of building. | But in no case less than ½ the height of building | 15 | Section 15A—1 & 2 | 30 for 5 stories<br>35 for 3 stories<br>35 for 4 stories<br>30 for 5 or more stories<br>35 otherwise | NOTE: This schedule covers Heights and Area Regulations and is made part of the Zoning By-Law. | |
| RESIDENCE—C-1 | 75 | See Section 19 | | | | | | | | | | | |
| RESIDENCE—D | 50 | See Section 19 | 4 | A—Front Yard<br>B—Two Side Yards<br>C—Rear Yard | Note:<br>Distances between buildings on same lot. | 35 | Two Required 25 ft. Each | | 25 | Section 15-2 | 35 | | |
| RESIDENCE—E | 40 | Note: For Exceptions | 3 | A—Front Yard<br>B—Two Side Yards<br>C—Rear Yard | No building on the same lot shall be less than 15 feet from any other building in residence A, B, C and D Districts, or 25 feet from any other buildings in Residence E districts; in all other districts not less than 10 feet. This does not apply to private garages; for such regulations see Section No. 12A. | 20 | Two Required 25 ft. Each | | 40 | Section 15A Paragraph 2 | | | |
| BUSINESS—A | 60n | Note: For Exceptions | 5n | A—Rear Yard | | None Required | None Required | See: Section 21-3 For Exceptions | 10 | Section 16A | | | |
| BUSINESS—B | 60 | Note: For Exceptions | 5 | A—Rear Yard | | None Required | None Required | | 10 | Section 17A | | | |
| BUSINESS—C | 17-1.3 | Note: For Exceptions | 17-1.3 | 17-1.3 | | 17-1.3 | 17-1.3 | | 17-1.3 | 17-1.2 | | | |
| INDUSTRIAL | 60<br>18-B | Note: For Exceptions | 5<br>18-B | A—Front Yard<br>B—Two Side Yards<br>C—Rear Yard | | 10<br>18-B | *Two Required 10 ft. Each<br>18-B | | 10*<br>18-B | Section 18A | | | |

All districts have other regulations, therefore it is essential to check the entire by-law for a full understanding of its requirements. See particularly the requirements for Parking and Landscaping and Recreation Area in Residence Districts C, C-1, D and E.

n. Except that where a particular business district has a maximum dimension of less than 500 feet and is bounded on all sides by a Residence A and/or Residence B district, the height limitation shall be 40 feet and 3 stories. In Business A districts adjacent to Residence C-1 districts, buildings used exclusively for residential purposes may rise to 75 feet.

*Not required where abutting railroad track or railroad right of way.